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SUBJECT: FORMER GTMO DETAINEES CONVICTED IN FRANCE; GOF
PUTS CONTROVERSY TO REST

11. (U) SUMMARY: Five of six French nationals transferred from the Guantanamo detainee facility to France were convicted in Paris on December 19 of "criminal conspiracy with a terrorist organization." A sixth defendant was acquitted. The court ruled entirely in accordance with the (less than maximum) sentences requested by the French government prosecutor (see paragraph three). Due to time already served, none of the defendants will serve more than one additional month in prison. The decision brings to a close a trial that began in 2006 with front page news revelations that French intelligence services interviewed the defendants at the Guantanamo facility. The defense challenged the prosecution's case, claiming that their evidence was in large part based on French intelligence agents' interviews at Guantanamo and therefore illegally obtained because the Guantanamo facility is outside of any recognized legal structure. The December 19 court decision judged the visit by intelligence agents to Guantanamo strictly administrative in nature and inside the scope of standard intelligence gathering. END SUMMARY

12. (U) Five of six French nationals transferred from the Guantanamo detainee facility to France in 2004 and 2005 were convicted in Paris on December 19 of "criminal conspiracy with a terrorist organization." Achhab Kanouni, the sixth defendant, was acquitted of all charges. The court ruled entirely in accordance with the sentences requested by the French government prosecutor, including the move to drop charges against Kanouni. (Note: The prosecution had the option of requesting up to a maximum sentence of ten years in prison, no time served, but asked only for one year prison sentences already mostly covered by time served.) All of the former detainees were placed into provisional detention in France after being transferred from Guantanamo and had served between 11 and 17 months before being released pending trial. As a result of the time spent in provisional detention that the judgment credited against the one year prison sentences, none of the former detainees will serve more than one additional month behind bars. Attorneys for the defendants have said they will appeal. All of the defendants were reportedly detained between two and three years in the Guantanamo facility. Kanouni's lawyer said that his client intends to sue the U.S. government for reparations.

13. (U) This trial began in July 2006 with front page news revelations that French intelligence services interviewed the defendants at Guantanamo. The proceedings were halted while the court investigated claims by the defense that the prosecution's case was based in large part on information obtained during interviews with the defendants by the French

agents who traveled to Guantanamo. The defense asked that the case be dismissed, alleging that the evidence was not legally obtained and therefore violated their clients' rights because the Guantanamo facility had no legal standing. After a review of now unclassified documents, the court finally ruled that the information obtained at Guantanamo was in accordance with the normal duties carried out by French intelligence services. The court characterized the intelligence mission as strictly administrative, noting that it was executed under the auspices of the Ministry of Foreign Affairs, and ruled that it did not violate the rights of the defendants.

¶4. (U) Sentences: Brahim Yadel was sentenced to five years in prison; four years suspended. Mourad Benchellali, Nizar Sassi, Khaled Ben Mustapha, and Redouane Khalid were all sentenced to four years in prison, three years suspended. Achhan Kanouni was acquitted of all charges.

¶5. (U) COMMENT: These convictions bring to a close an issue that provided a media opportunity for some academics and journalists to criticize U.S. detainee policy. The meager sentences requested by the prosecutor also suggest that the GOF sought to balance its desire to convict the defendants with concern that more significant sentences could draw increased attention to the revelations of French intelligence agents' visit to Guantanamo and more public criticism of the intelligence agents' visit to Guantanamo as de-facto GOF approval of the facility.

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